

CHAPTER 8 : BUILDING REGULATIONS

8.01 PURPOSE

The purpose and intent of this ordinance is to:

- A. Exercise Town jurisdiction over the construction and inspection of new one-family and two-family dwellings and manufactured buildings;
- B. Provide plan review and on-site inspections of one-family and two-family dwellings by inspectors certified by the Wisconsin Department of Safety and Professional Services (hereafter Department);
- C. Establish and collect fees to defray administrative and enforcement costs;
- D. Establish remedies and penalties for violations;
- E. Establish use of the Wisconsin Uniform Dwelling Code as prescribed by the Department to establish uniform construction standards and inspection procedures for one-family and two-family dwellings and manufactured buildings;
- F. Ensure compliance with applicable Town Zoning Ordinances; and
- G. Establish procedures for notifying the Town Assessor of all new building **construction**, maintenance, remodeling, and alterations to improvements on property within the Town.

8.02 STATE UNIFORM DWELLING CODE ADOPTED

- A. The provisions describing and defining regulations with respect to one-family and two-family dwellings, including manufactured dwellings, set forth in Wisconsin Administrative Code, Chapters SPS 320-325 and all amendments, revisions, or modifications thereto (hereafter Code), are hereby adopted and by reference made a part of this ordinance as if fully set forth herein, to secure uniform statewide regulation of one-family and two-family dwellings.
- B. The effective date of Chapter SPS 322 is December 1, 1978, and the effective date of Chapters SPS 321, 323, 324 and 325 is June 1, 1980, with most recent revisions, excluding Chapter renumbering, effective April 1, 2009.
- C. A copy of the Code provisions shall be kept on file in the office of the Clerk-Treasurer.

8.03 ENFORCEMENT

The administration and enforcement of this ordinance shall be vested with the Building Inspector (see Mosel Municipal Code, Section 2.06), the Clerk-Treasurer, the Town Constable, and the Town Board, as applicable.

8.04 DEFINITIONS

A. Building: Any structure erected or constructed of wood, metal, stone, plastic or other materials, having a roof supported by columns or walls, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, storage, or other purposes.

B. Structure: Any man-made combination of materials, other than natural terrain or plant growth, erected or constructed with form, shape and/or utility, including but not limited to, buildings, shelters, containers, driveways, supports or decorations.

C. Structure, Permanent: A structure placed on or attached to the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period of more than six months.

D. Structure, Temporary: Any structure not meeting the definition of permanent structure above.

E. Dwelling: See Subsections 7.02 B (17)-(20).

8.05 PERMIT APPLICATION AND ISSUANCE

Building or administrative permits are required for new buildings, for additions, alterations or repairs, and for plumbing, electrical, heating, and ventilation work, subject to the following:

A. Other Permits Obtained. It is the responsibility of the permit applicant to obtain all other necessary permits required by any federal, state, or county agencies prior to applying for a Town building or administrative permit. The issuance of any permit may be subject to verification from the Sheboygan County Planning and Resources Department for compliance with applicable sanitary regulations, at the request of the Clerk-Treasurer or Building Inspector.

B. Building Permits Required. Applications for building permits shall be made by the owner, or the owner's agent, in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department. The Building Inspector may require up to seven (7) business days to review the application before the permit is issued. The following may not be built, enlarged, or altered, unless a building permit is obtained from the Building Inspector:

(1) New One- or Two-Family Dwellings. One- or two-family dwellings, when initial construction shall be commenced after the effective date of this ordinance.

- (2) Structural Alterations and Additions to Existing Dwellings. Structural additions or alterations, or repairs to an existing one- or two-family dwelling with an initial construction date of June 1, 1980, or after.

- (a) Structural alterations or additions include:
- (i) Building additions that include foundation work.
 - (ii) Building additions that include structural changes.
 - (iii) Plumbing where the drain, waste, and vent piping system is altered.
 - (iv) Electrical work where a new service or service upgrade is performed.
 - (v) HVAC only when building inspections are otherwise required.
- (b) Structural alterations and additions do not include:
- (i) Structural repair or replacement that does not include foundation work or structural changes.
 - (ii) Cosmetic changes such as paint, flooring, trim and cabinets.
 - (iii) Roofing, siding, or insulating that is not part of a project that includes foundation or structural changes.
 - (iv) Plumbing repair or replacement that does not change the drain, waste, and vent piping system.
 - (v) Electrical work that does not require a new service or service upgrade.
 - (vi) HVAC add on/replacement/repair that is not part of a project that requires other building inspection.

C. Administrative Permits Required. To ensure compliance with Town Zoning Ordinances, and to provide notice to the Town Assessor of improvements and changes to improvements on property in the Town, administrative permits will be required. Provisions of the Code do not apply to projects for which administrative permits are required. Application shall be made by the owner, or the owner's agent, in writing upon the form furnished by the Town. The Clerk-Treasurer may require up to two (2) business days to review the application before the permit is issued. Administrative permits shall be obtained from the Clerk-Treasurer prior to any new construction, additions, alterations, or repairs to the following:

- (1) Existing Dwellings. Existing one- or two-family dwellings with an initial construction date prior to June 1, 1980, or non-structural repair or alteration, as determined by the Building Inspector, of one- or two-family dwellings with an initial construction date of June 1, 1980, or after.
- (2) Non-Dwelling Structures. Any non-dwelling structures, including commercial, agricultural, and accessory use structures.
- (3) Demolition and Razing. Any structure or portion of a structure which shall be demolished and permanently removed.

D. Permits Not Required.

- (1) Minor Repairs or Maintenance. Administrative permits are not required for minor repairs or maintenance valued at less than \$1,000. Value shall be either (1) the actual costs incurred when work is performed by a hired contractor, or (2)

the actual costs of materials plus 50% of that cost when work is performed with minimal or no compensation for labor.

- (2) Temporary Structures. Building and administrative permits are not required for any temporary structure, as defined in this ordinance.

E. Submission of Plans. The applicant shall provide two (2) sets of complete plans, as required by the Code, for all applications submitted under Subsection 8.04 A of this ordinance. Applications for new buildings and additions that will change the footprint of an existing buildings submitted under Subsection 8.04 B must include a plan, drawn to scale, of the location of the building in relation to all other buildings, property lines, and significant features, including but not limited to the location of septic systems, wells and utilities. No action will be taken on an application until the required plans are submitted.

F. Issuance of Permits.

- (1) If the Building Inspector finds that the proposed building, alteration, or addition complies with all Town zoning ordinances and the Code, the Building Inspector will approve the application and a building permit will be subsequently issued to the applicant. The Building Inspector will forward a copy of all applications for new dwelling construction to the Department within 30 days after permit issuance.
- (2) In the case of administrative permits, if the Clerk-Treasurer finds that the proposed building, alteration, addition, or repair complies with Town zoning ordinances, and any other applicable regulations, an administrative permit will be issued.
- (3) The issued building or administrative permit shall be posted in a conspicuous place at the construction site.
- (4) Permits are issued on the condition that the owner and/or owner's agent shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements. By accepting a permit, the owner and/or owner's agent grants the Building Inspector or Town the right of access to the real estate on which the permitted construction or demolition will occur for inspection purposes.
- (5) A copy of any issued building permit shall be kept on file with the Building Inspector, and a copy of all issued permits, building and administrative, shall be kept on file with the Clerk-Treasurer and provided to the Town Assessor.

G. Permit Expiration. Building permits issued under this ordinance shall lapse and become void if the work has not been completed within two (2) years after the date of issuance of the permit. Administrative permits issued under this ordinance shall lapse and become void if the work has not been completed within one (1) year after the date of issuance of the permit. Any permit may be renewed for an additional six months, upon payment of the current administrative fee and submission of a description of the work yet to be completed. Any additional time extension shall be treated as a new application and all applicable fees due under this ordinance shall be paid.

H. Decision of Building Inspector Binding. When deciding if a building permit is required, or which type of permit (building or administrative) is needed, the decision of

the Building Inspector is final, subject to the appeal rights in Subsection 8.07 Appeal to Board of Appeals.

8.06 FEES FOR PERMITS AND INSPECTIONS

A schedule of charges for building permits, administrative permits, and inspections, as established in Subsection 11.05 of the Mosel Municipal Code, is maintained by the Clerk-Treasurer and the Building Inspector. Copies will be made available from said officials upon request. The Town Board may, by resolution, revise the schedule of charges from time to time.

8.07 APPEAL TO BOARD OF APPEALS

Any person feeling aggrieved by an order or determination of the Building Inspector or Clerk-Treasurer may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

8.08 LIABILITY FOR DAMAGES

This ordinance shall not be construed as an assumption of liability by the Town for damages because of injuries sustained or property damaged or destroyed by any defect in any dwelling or associated equipment.

8.09 CONTRACTOR FINANCIAL RESPONSIBILITY CERTIFICATION

A. No person may obtain a building permit unless that person annually obtains, from the Department, a certificate of financial responsibility showing that the person is in compliance with § 101.654, Wisconsin Statutes.

B. Paragraph A of this subsection does not apply to an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on that dwelling.

C. The Building Inspector will provide an owner applying for a building permit with a statement advising the owner that if the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under § 101.654, Wisconsin Statutes, the following may occur:

- (1) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.
- (2) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one-and two-family dwelling code or this ordinance because of any bodily injury to or death of others or damage to the property of others that arises out of the work

performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

8.10 VIOLATIONS AND PENALTIES

A. If any construction or work governed by the provisions of this ordinance or the Code is commenced prior to the issuance of a permit, a late fee, as established in Section 11.05 of the Mosel Municipal Code, will be charged. The late fee does not apply to permits for demolition and razing, and shall be waived in the case of emergency installation of replacement plumbing, heating or electrical equipment, provided that the required permits are obtained within ten (10) business days of the installation.

B. No person shall erect, use, occupy, or maintain any one- or two-family dwelling in violation of any provision of this ordinance or the Code or cause to permit any such violation to be committed. Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than \$50 nor more than \$200, together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid.

C. If an inspection reveals a non-compliance with this ordinance or the Code, the Building Inspector will notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Chapter SPS 320.10 (1) (c) Wisconsin Administrative Code.

D. If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

E. Each day each violation continues after the thirty (30) day written notice period has expired shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from initiating any appropriate action to prevent or remove a violation of any provision of this ordinance or the Code.